

AMENDMENTS TO THE DRAWINGS

The attached "Replacement Sheet" of drawings includes changes to Fig. 9. The attached "Replacement Sheet," which includes Fig. 9, replaces the original sheet including Fig. 9.

REMARKS

Claims 13-24 remain pending in the present application. Claims 14 and 19-23 have been withdrawn from consideration by the Examiner. Claim 13 has been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

OBJECTION TO THE DRAWINGS

The Examiner has objected to Fig. 9 as not being designated as prior art. Accordingly, Applicants enclose a Replacement sheet of drawings for Fig. 9 which has been designated as "Prior Art".

CLAIM REJECTIONS UNDER 35 U.S.C §103(a)

The Examiner has rejected Claims 13, 15, 17 and 24 under 35 U.S.C. §103(a) as being unpatentable over Nomura et al. (U.S. Patent No. 6,974,259) in view of Mizukoshi et al. (U.S. Patent No. 6,135,571). The Examiner alleges that the combination would render Applicants' Claim 13 obvious to those skilled in the art.

Independent Claim 13 has been amended. Claim 13 further defines the vehicle wheel bearing apparatus. The apparatus includes, among other elements, an inner member that includes a hollow hole for receiving the hollow drive shaft. Additionally, the claim includes the outer member received in the opening of the axial housing. The cap prevents ingress of debris into the drive shaft and thus leakage of differential gear oil to the outside.

The art relied on by the Examiner, specifically Nomura et al. and Mizukoshi et al., fails to illustrate Claim 13. Neither of these references illustrates the features now claimed. Neither reference illustrates a semi-floating type bearing. Both references

illustrate a constant velocity joint received in the inner member. Thus, neither one illustrates a cap that prohibits leakage of differential gear oil to the outside.

Accordingly, Applicants believe Claim 13 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 15-18 and 24, which depend from Claim 13, are patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claim 16 under 35 U.S.C. §103(a) as being unpatentable over Nomura et al. in view of Mizukoshi et al further in view of Yamamoto (U.S. Patent No. 7,255,482).

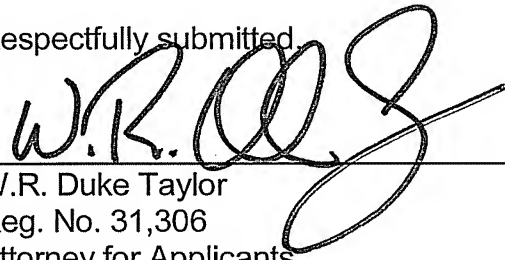
The Yamamoto reference in combination with Nomura et al. and Mizukoshi et al. fails to overcome the deficiencies of Nomura et al. and Mizukoshi et al.

Accordingly, Applicants believe Claim 16 to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W.R. Duke Taylor", written over a horizontal line.

W.R. Duke Taylor
Reg. No. 31,306
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, MI 48303
(248) 641-1600

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WRDT/lkj

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